

REMARKS

I. STATUS OF THE CLAIMS

In the July 13, 2005 Office Action (hereafter "Office Action"), the Examiner noted that claims 3-7, 16-20 and 29-33 were pending in the application. The Examiner rejected claims 3-7, 16-20, and 29-33 citing U.S. Patent Application Number 2002/0062244 to Brady et al. (Brady) in view of U.S. Patent Application Number 2002/0026348 to Fowler et al. (Fowler). The Examiner's rejections are traversed below.

In accordance with the foregoing, claims 3-6, 16-20 and 29-32 have been amended. Claim 41 is added herein. Claims 3-7, 16-20, 29-33 and 41 are pending and under consideration. No new matter is being presented, and approval and entry are respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. 103

In item 5 on page 2 of the Office Action, the Examiner rejects claims 3-7, 16-20 and 29-33 under 35 U.S.C. §103(a) as being unpatentable over Brady in view of Fowler. The rejections are respectfully traversed.

Claims 3, 4, 16, 17, 29 and 30 are amended herein to further clarify the invention. In rejecting the claims, the Examiner concedes that Brady "does not explicitly disclose fee collection unit collecting a fee from a facility included in the place information described in the data based on at least one fee setting method for a service of providing routes to a user." Therefore, the Examiner relies on Fowler to disclose the merchant paying a participation fee based on a marketing program to encourage shoppers to visit a collection of merchants at a particular location. (citing paragraph 104 of Fowler). However, Fowler only discloses,

"A collection of merchants located in the new shopping mall would like to join together in a coalition to offer marketing programs designed to encourage shoppers to visit the mall. To encourage customer visits, the coalition of merchants, including the JWC retail outlet, works with the marketing program administrator to design a marketing program under which points are awarded each time a member card is presented at one of the members of the merchant coalition." (see paragraph 104 of Fowler).

The cited passage does not disclose or suggest *at least one fee setting method for a service of*

providing routes to a user, as recited, for example, in claim 4. The cited passage only discloses a collection of merchants in a shopping mall joining together to offer a marketing program. This is not the same as ***a service of providing routes to a user***, as recited, for example, in claim 4.

The Examiner asserts in the Response to Arguments on page 8, item 6 of the Office Action, that Flower discloses “designing a marketing program to encourage shoppers to visit a collection of merchants a (sic) particular location (§ 0104), thereby providing routes for a user.” The Applicant respectfully disagrees. The passage cited by the Examiner only discloses a collection of merchants promoting a marketing program. The passage does not disclose ***providing routes to a user***, as recited, for example, in claim 4. Nothing is mentioned in the cited passages about the route a user would follow in visiting merchants. The passage only discloses the merchants are located within the same facility. Simply locating the merchants in the same facility does not provide ***a service of providing routes to a user***, as recited, for example, in claim 4. Furthermore, the cited passage does not disclose *a behavior data fee calculation unit calculating a fee of the behavior data based on at least one fee setting method for a service of providing routes to a user*, as recited, for example, in claim 4. Similarly, Brady also fails to disclose *unit calculating a fee of the behavior data based on at least one fee setting method for a service of providing routes to a user*, as recited, for example, in claim 4.

Although the comments above are directed to claim 4, it is respectfully submitted the comments would be helpful in distinguishing various other claims (*i.e.* claims 3, 16, 17, 29 and 30) over the cited references. In view of the claim amendments and remarks, withdrawal of the rejection and allowance of claims 3, 4, 16, 17, 29 and 30 is respectfully requested.

Claims 5 – 7, 18 – 20, and 31 – 33 are amended herein to further clarify the invention. In rejecting the claims on page 5 of the Office Action, the Examiner concedes that Brady “does not explicitly disclose a registration unit storing a user selected route, registering facility data along the user selected route, and a registration fee calculation unit calculating a registration fee when the data are registered.” Therefore, the Examiner relies on Fowler to disclose the merchant paying a participation fee based on a market program administrator. (citing paragraph 0042 of Fowler). Fowler discloses, “For each successive qualifying behavior, such as a customer purchase, the participating merchant pays an incrementally different fee to the marketing program administrator.” (see paragraph 0042 of Fowler). However, Fowler fails to disclose any of *a registration unit storing a user selected route, registering facility data along the user selected route*, as recited, for example, in claim 5. Furthermore, Fowler fails to teach a

*charging unit charging a fee against each facility along the **route selected by the user**, as recited, for example, in claim 7.*

In the Response to Arguments, item 6, page 9, the Examiner asserts Fowler, discloses “designing a marketing program to encourage shoppers to visit a collection of merchants a (sic) particular location (§ 104), wherein multiple marketing programs, associated with multiple merchants may be administered using a single unique customer identifier (§ 0103).” However, the marketing system taught by Fowler, does not teach or suggest **storing** a user selected route or **registering** facility data along the user selected route, as recited, for example, in claim 5. Furthermore, the system taught by Fowler fails to teach a *behavior data generation unit generating data in which a paired series of facility data including at least place information and information about the place are provided to a user based upon the user's location and described according to a prescribed specification, using registered facility data*, as recited, for example, in claim 7.

Claims 5 – 7, 18 – 20, and 31 – 33 are further amended herein to clarify the invention. Support for the amended claims can be found, for example, on page 30, line 15 thru page 32, line 3. Claim 18, for example, now recites *acquiring a **location** of the user along the route using a user location acquisition unit; and generating data in which a paired series of facility data including at least place information and information about the place are provided to the user **based upon the location of the user and** described according to a prescribed specification.* Neither Brady nor Fowler discloses *acquiring the location of the user and generating data in which a paired series of facility data including at least place information and information about the place are provided to a user **based upon the location of the user***, as recited, for example, in claim 18.

Although the comments above are directed to claims 5, 7 and 18, it is respectfully submitted the comments would be helpful in distinguishing various other claims (*i.e.* claims 6, 19, 20, and 31 – 33) over the cited references. In view of the claim amendments and remarks, withdrawal of the rejection and allowance of claims 5 – 7, 18 – 20, and 31 – 33 is respectfully requested.

III. NEW CLAIMS

New independent claim 41 recites a *behavior data collection method using a computer to perform an operation comprising: acquiring the location of the user along a route using a user location acquisition unit and generating a paired series of facility data based upon*

the location of the user. Therefore, it is respectfully submitted that claim 41 is allowable.
Approval and entry are respectfully requested.

IV. CONCLUSION

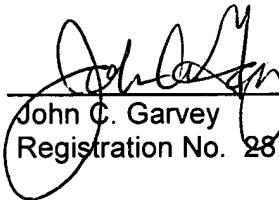
There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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